

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

**LAWRENCE FULTZ, SR. INDIVIDUALLY AND ON BEHALF
OF THE WRONGFUL DEATH BENEFICIARIES OF
JAYNELL FULTZ, DECEASED**

PLAINTIFFS

VS.

CAUSE NO.: 3:21-cv-00497-DPJ-FKB

**MP CARRIERS INC., LAITH MOHAMMAD ALARABIAT
AND JOHN DOES 1-10**

DEFENDANTS

CARL J. HARRIS

INTERVENOR

COMPLAINT FOR DAMAGES AND WRONGFUL DEATH

NOW INTO COURT, come Plaintiff, CARL HARRIS, individually; as parent and guardian of minor child, C.J.H., individually; on behalf of minor child, C.J.H., as the daughter and sole heir and beneficiary of TERRYINA DONALD; and on behalf of minor child, C.J.H. as the sister and sole heir and beneficiary of M.D.D., who through undersigned counsel file this Complaint against the Defendants, MP Carriers Inc., Laith Mohammad Alarabiat and John Does 1-10 as follows:

JURISDICTION AND VENUE

1.

Plaintiff, CARL HARRIS, is an adult resident citizen of Louisiana.

2.

Plaintiff, CARL HARRIS, is the legal guardian and parent of minor child, C.J.H., female. This suit is being brought by Plaintiff, CARL HARRIS on behalf of minor child C.J.H. for the injuries and damages she sustained as a result of the conduct of the Defendants, herein.

3.

Terryina Donald died as an adult resident of Louisiana and as a result of the conduct of the Defendants, herein, establishing a claim for wrongful death pursuant to Miss. Code Ann. §

11-7-13.

4.

On information and belief, at the time of her death, Terryina Donald was survived by her minor child, daughter, C.J.H. and was not married.

5.

Under the wrongful death statute, this suit is being brought by Plaintiff, CARL HARRIS on behalf of minor child C.J.H. as the sole wrongful death beneficiary of Terryina Donald, deceased. Plaintiff is authorized to commence this action pursuant to Miss. Code Ann. § 11-7-13.

6.

M.D.D. died as an adult resident of Louisiana and as a result of the conduct of the Defendants, herein, establishing a claim for wrongful death pursuant to Miss. Code Ann. § 11-7-13.

7.

On information and belief, at the time of her death, M.D.D., minor female child, was survived by her sister, C.J.H., minor child.

8.

Under the wrongful death statute, this suit is being brought by Plaintiff, CARL HARRIS on behalf of minor child C.J.H. as the sole wrongful death beneficiary of M.D.D., deceased. Plaintiff is authorized to commence this action pursuant to Miss. Code Ann. § 11-7-13.

9.

Defendant, MP Carriers, Inc. on information and belief is an Illinois Company doing business in the state of Mississippi.

10.

Defendant, Laith Mohammad Alarabiat, on information and belief, is a resident of Florida.

11.

Defendant, John Does 1-10 are currently unknown persons or entities, who are responsible for the collision sued on herein.

12.

This cause of action occurred or accrued in Lauderdale County, Mississippi; and pursuant to the provisions 28 U.S.C. § 1332, this Court has diversity jurisdiction over this matter because this action involved a controversy that is wholly between citizens of different states.

FACTS

13.

On November 27, 2020, at about 3:18 p.m., CARL HARRIS, minor child C.J.H., decedent, M.D.D., and decedent, Jaynell Fultz, were guest passengers in a 2019 Nissan Sentra owned by EAN Holdings, LLC and driven by Terryina Donald in Lauderdale County, Mississippi.

14.

The Nissan was driving eastbound on I-20 in the right-hand lane, when, on information and belief, it pulled off the highway into the emergency lane shoulder.

15.

At the same time and place, Defendant, Laith Mohammad Alarabiat, was driving a 2013 Volvo tractor/trailer owned and/or leased by Defendant, MP Carriers, Inc., which was also traveling eastbound on I-20 in the right-hand lane approaching the Nissan.

16.

Suddenly and without warning, the tractor trailer, rear-ended the Nissan, after the Nissan re-entered traffic, causing both vehicles to head off the roadway, into the center median and coming to a violent rest into a concrete culvert.

17.

The collision caused injuries to CARL HARRIS and C.J.H. and the death of Terryina Donald, and M.D.D. as well as Jaynell Fultz.

18.

On information and belief, at all relevant times herein, Defendant, Laith Mohammad Alarabiat, was acting in the course and scope of his employment or as part of a joint venture or otherwise for the mutual benefit of himself, and MP Carriers, Inc. Under the theories of respondeat superior, joint venture and/or agency both are responsible for the collision and damages resulting thereto.

NEGLIGENCE, GROSS NEGLIGENCE AND CAUSATION

19.

The collision sued on herein was the fault of, and proximately caused by the negligence of Defendant, Laith Mohammad Alarabiat, in the following, non-exclusive respects:

- a. By allowing a vehicle under his control to strike the rear of a preceding vehicle in violation of Miss. Code Ann. § 63-3-619;
- b. Improperly changing lanes;
- c. On information and belief, in operating a vehicle while physically exhausted in violation of state law, federal regulations and company standards;
- d. By failing to maintain reasonable and proper control of said vehicle upon a public road;
- e. In operating the vehicle under his control in an improper, unsafe, negligent and grossly negligent manner;

- f. By failing to see what should have been seen;
- g. In violating the Federal Trucking Regulations inter alia: as they non-exclusively relate to hours of operation, out of service, logging, condition of vehicle, condition of driver, qualification, training and supervision;
- h. Negligently and/or grossly negligently hiring, training and/or retaining;
- i. In violating the Revised Statutes of the State of Mississippi, all of which are pled as if copied herein in extenso; and
- j. All other acts of negligence and/or gross negligence which were the cause of a collision sued upon and will be shown at the trial of this matter.

20.

The collision sued on herein was the fault of, and proximately caused by the negligence of Defendant, MP Carriers, Inc. in the following, non-exclusive respects:

- a. By allowing a vehicle under their control to strike the rear of a preceding vehicle in violation of Miss. Code Ann. § 63-3-619;
- b. By violating the Federal Trucking Regulations inter alia: as they non-exclusively relate to hours of operation, out of service, logging, condition of vehicle, condition of driver, qualification, training and supervision;
- c. By failing to enforce that its driver follows the rules of the road as plead herein;
- d. Negligently and/or grossly negligently hiring, training, supervising and/or retaining;
- e. In violating the Revised Statutes of the State of Mississippi, all of which are pled as if copied herein in extenso; and
- f. All other acts of negligence and/or gross negligence which were the cause of a collision sued upon and will be shown at the trial of this matter.

21.

That as a direct and proximate result of the individual, concurrent and/or cumulative acts of negligence and/or gross negligence pled herein, CARL HARRIS and C.J.H. suffered serious and permanent injuries and decedents, Terryina Donald and M.D.D. died.

22.

As a proximate result of the negligence of Laith Mohammad Alarabiat and MP Carriers,

as alleged above, Plaintiff CARL HARRIS, has suffered damages, including but not limited to:

- a. Past, present, and future physical injuries;
- b. Past, present, and future pain and suffering;
- c. Past, present, and future mental anguish;
- d. Past, present, and future medical bills and expenses;
- e. Lost earnings/wages (past and future);
- f. Loss of earning capacity;
- g. Past, present, and future loss of enjoyment of life; and
- h. Permanent physical impairment and/or permanent disfigurement; and
- i. Other elements of damages developed during discovery and/or demonstrated with particularity at the trial of this matter.

23.

As a proximate result of the negligence of Laith Mohammad Alarabiat and MP Carriers, as alleged above, minor child, C.J.H., has suffered damages, including but not limited to:

- a. Past, present, and future physical injuries;
- b. Past, present, and future pain and suffering;
- c. Past, present, and future mental anguish;
- d. Past, present, and future medical bills and expenses;
- e. Lost earnings/wages (past and future);
- f. Loss of earning capacity;
- g. Past, present, and future loss of enjoyment of life; and

- h. Permanent physical impairment and/or permanent disfigurement; and
- i. Other elements of damages developed during discovery and/or demonstrated with particularity at the trial of this matter.

24.

Plaintiff adopts by reference the provisions of Miss. Code Ann. § 11-7-13 et. seq. and alleges all damages and claims permitted for the wrongful death of the Decedents, Terryina Donald and M.D.D.

25.

As a result, Terryina Donald, deceased, suffered and thereby her wrongful death beneficiary, CARL HARRIS, on behalf of his minor child, C.J.H. claims the following damages:

- (1) Medical, funeral, and burial expenses;
- (2) The present net cash value of the work life expectancy for the life expectancy of the deceased; and
- (3) The physical pain and suffering and resultant mental anguish of the decedent.

26.

Further, as a direct and proximate result of the negligence and other actions and/or omissions of the Defendants, Plaintiff, CARL HARRIS, on behalf of his minor child, C.J.H., as the wrongful death beneficiary of Terryina Donald, deceased, has sustained the following injury and damages, as a result of the death of Terryina Donald:

- 1. Loss of society, companionship, love and affection;
- 2. Loss of aide, services, and physical assistance;
- 3. Loss of participation together in the activities of life;
- 4. Loss of enjoyment of life and quality of life; and
- 5. All other damages as allowed under the wrongful death statute.

27.

As a result, minor child, M.D.D., deceased, suffered and thereby her wrongful death beneficiary, CARL HARRIS, on behalf of his minor child, C.J.H., claims the following damages:

- (4) Medical, funeral, and burial expenses;
- (5) The present net cash value of the work life expectancy for the life expectancy of the deceased; and
- (6) The physical pain and suffering and resultant mental anguish of the decedent.

28.

Further, as a direct and proximate result of the negligence and other actions and/or omissions of the Defendants, Plaintiff, CARL HARRIS, on behalf of his minor child, C.J.H., as the wrongful death beneficiary of minor child, M.D.D., deceased, has sustained the following injury and damages, as a result of the death of minor child, M.D.D.:

- 6. Loss of society, companionship, love and affection;
- 7. Loss of aide, services, and physical assistance;
- 8. Loss of participation together in the activities of life;
- 9. Loss of enjoyment of life and quality of life; and
- 10. All other damages as allowed under the wrongful death statute.

29.

In addition to compensatory damages, the conduct of the defendants were so reckless and grossly negligent and evidences a total and/or wanton disregard for the life and welfare of the public; the Plaintiff seeks an award of punitive damages against the Defendants to punish them and make an example of them to prevent others from committing such gross acts of negligence in the future.

30.

Plaintiff is entitled to a trial by jury on all issues and all counts herein and prays for a trial by jury on all issues raised herein.

WHEREFORE, Plaintiff, CARL HARRIS, individually; as parent and guardian of minor child, C.J.H., individually; on behalf of minor child, C.J.H., as the daughter and sole heir and beneficiary of TERRYINA DONALD; and on behalf of minor child, C.J.H. as the sister and sole heir and beneficiary of M.D.D., prays that Defendants be served with a copy of this Complaint, and after being duly cited to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that there be judgments rendered herein in favor of Plaintiff and against Defendants, together with legal interest from the time of judgment until paid, and for all costs of these proceedings, attorney's fees and expenses; wrongful death damages; punitive damages; and for all other legal and equitable relief this Honorable Court shall deem appropriate. Further, a trial by jury is requested on all issues and all counts raised herein.

This the 20th day of February, 2022.

Respectfully Submitted,

CARL HARRIS, individually, and on
behalf of C.J.H.

By: /s/ Lauren E. Cavalier
LAUREN E. CAVALIER

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CERTIFICATE OF SERVICE

I, Lauren E. Cavalier, hereby certify that a copy of this document was filed using the Court's ECF system, which should have automatically emailed a copy to:

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